

September 20, 2017

Larry Gottesman
National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460
Submitted at FOIAonline

Re: Request for Records

Dear Mr. Gottesman:

I make this request on behalf of my clients Fritzi Cohen and her business, Moby Dick Hotel and Oyster Farm. Pursuant to the Freedom of Information Act, 5 U.S.C. 552(a)(3)(A), Ms. Cohen requests access to the following records:

1. All records of communication from 2008 through 2010 related to registration, labeling, risks, benefits, uses, applications, assessment, review, study, approval, disapproval, or consideration of Imazapyr, involving any of the following people:

- a. U.S. Sen. Patty Murray and/or her staff
- b. Kim Patten
- c. Miranda Wecker
- d. Erik Johansen
- e. Kathy Hamel
- f. James ("Jim") Tompkins
- g. Beth Benbow
- h. Jeffery Birk
- i. Stephen Carey
- j. Lucy Shanaman
- k. Pamela Hurley
- l. Mika Hunter
- m. Keven McDermott

Such records include, but are not limited to, any emails, letters, conversation or meeting notes, memos or other correspondence referencing Imazapyr (also known by product names Habitat, Arsenal and Alligare) during the relevant period.

2. All records related to the fish metabolism study required as a condition of the Habitat Herbicide registration issued on November 17, 2013, including the study itself (if it was submitted) and any letters, memos, emails or other communications related to the study.

3. All records related to the following statement in the September 30, 2015 Memorandum entitled “*EFED Ecological Risk Assessment Supporting the Registration Eligibility Decision for the Use of the Herbicide, Imazapyr, in Previously Registered Non-Agricultural and Horticultural Settings and on Clearfield Corn*”¹:

[T]here are no chronic risks to fish and invertebrates; however, there is an uncertainty for estuarine/marine fish and invertebrates, since no toxicity data were available to observe the prolonged effects of imazapyr to estuarine/marine fish and invertebrates.

Such records include, but are not limited to:

- a. any Imazapyr-related toxicity data compiled or reviewed by your agency as of September 30, 2015;
- b. any emails, letters, memos or other correspondence related to the availability and/or adequacy of data concerning Imazapyr impacts on estuarine or marine fish or invertebrates as of September 30, 2015;
- c. any records indicating who was involved in writing, editing or approving the specific statement quoted above; and
- d. any comments or correspondence since September 1, 2015 addressing the specific statement above.

4. All records related to the last paragraph of the document entitled “*Appendix A: Environmental Fate of Imazapyr and Imazapyr Transformation Products*,”² including but not limited to any study, data, summary, notes, test results, or other information received, reviewed or relied upon in writing, editing or approving the last paragraph, and any comments or correspondence addressing the content of the paragraph in question.

5. All records since July 1, 2009 referencing, discussing or otherwise mentioning potential economic and/or environmental impacts of the use of Imazapyr (aka Habitat Herbicide) in Willapa Bay in Washington state.

6. All records related to the July 21, 2010 FOIA request sent to Jim Tompkins by attorney Claudia Newman on behalf of Ms. Cohen, including all communications related to

¹ See page 2 at https://www3.epa.gov/pesticides/chem_search/cleared_reviews/csr_PC-128821_30-Sep-05_a.pdf.

² See page 10 at <https://www3.epa.gov/pesticides/endanger/litstatus/effects/redleg-frog/imazapyr/appendix-a.pdf>.

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identifying and/or searching for responsive records, and any records gathered, reviewed and/or produced in response to the request.

Please provide the records in electronic form to the extent possible. Please let me know if fees will exceed \$25. Please contact me at kathy@johnstongeorge.com if you have questions. Thanks for your prompt assistance with this request

Very truly yours,

A handwritten signature in cursive script, appearing to read "Katherine A. George".

Katherine A. George